

ARTICLE V
DESIGN REVIEW DISTRICTS
OVERLAY DISTRICTS
DESCRIPTION, USES, AND REGULATIONS

Section 500: Authority

An Overlay Districts: As provided for in 24 VSA § 4414(2) Overlay districts, the Historic Design Review District was created to modify the zoning requirements otherwise applicable in the underlying district in order to provide supplementary provisions to an area having unique historic, and community interest or value, 24 VSA § 4411(F) and high risk of flood hazard, 24 VSA § 4411(G)

A Design Review District: As provided in 24 VSA § 4414(E) - Zoning districts, zoning regulations may contain provisions for the establishment of design review districts for areas with Structures of

“historical, architectural, or cultural merit, and other areas of community interest and participation such as a central business district, civic center, or a similar grouping of focus of activities. These areas may include townscape areas that resemble in important aspects the earliest permanent settlement, including a concentrated urban settlement with striking vistas, views extending across open fields and up to a forest edge, a central focal point or town green, and buildings of architectural quality, including styles of the early 19th century. Within such a designated design review district, no Structure may be erected, reconstructed, substantially altered, restored, moved, demolished or changed in Use or type of occupancy without approval of the plans by the appropriate municipal panel” 24 VSA § 4414(E)

In Wilmington the Development Review Board is the municipalities appointed “appropriate municipal panel”.

There are two Design Review Districts, the Village Design Review District and the Historic Design Review District. These are Overlay Districts as provided for under the above regulatory authority.

Within the Village Design Review District and the Historic Design Review District no Structure may be erected, reconstructed, altered, restored, moved, demolished or changed in Use or type of occupancy, except as otherwise provided for in Section 531 (A) & (B) of this Article, without a written decision and approval of the plans by the Development Review Board, subject to Site Plan and Design Review and administrative approval by the Zoning Administrator as provided for within this zoning ordinance pursuant to 24 VSA § 4464 (C).

Section 510: Village Design Review District Purpose

The basis for a Design Review District is to preserve the natural beauty, vistas and the visual character of the Village of Wilmington. The visual aspects of the Design Review Districts represent an important asset to the community by providing a source of pleasure for both residents and visitors, and contributing to the economic development of the community.

Section 511: Village Design Review District Boundaries (Identification of District)

The Village Design Review District Boundaries are illustrated on the zoning map.

The district boundaries are as follows:

The district includes those Structures and properties in the following area:

Starting at the southwesterly most boundary of the Historic Design Review District (HDRD) on the Beaver Brook, following Beaver Brook to the southerly most boundary of Baker Field on Beaver Brook.

Turning east following the south-eastern boundary of Baker Field and Deerfield Valley Farmers Day Association, continuing between the 43 East Main Street (gas station) and 53 East Main Street (Family Dollar), continuing across East Main Street in a straight line to the rear of 44 East Mains Street property fronting on East Main Street.

Turning West at the rear property line of 44 East Main Street, continuing westerly along the rear property lines of 28 – 44 East Main St.

Terminating at the connection point on the North-East corner of the HDRD at the intersecting rear property line of 24 and 28 East Main St.

Section 512: Goals of the Village Design Review District

The Site Plan and Design Goals of the Village Design Review District are as follows:

- A. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving the visual character of the village.
- B. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- C. To encourage maintenance of buildings and property, and support a visually attractive village for the pleasure of residents and visitors
- D. To encourage and support economic growth and prosperity within the community while maintaining the visual character of the village.
- E. To encourage public and private investment and to protect the interests of future generations.

The goals of this District shall be considered by the Development Review Board when considering proposed land development for this District.

Section 520: Historic Design Review District Purpose

The basis for the Historic Design Review District is to preserve the beauty, vistas and visual character of the many buildings of historic significance as defined by the National and State Registers of Historic Places dating from the early 19th century. In order to protect these characteristics, it is necessary to ensure that proper attention is given to the historic exterior features of buildings and Structures so as to provide a means by which long term economic prosperity may be supported, property values can be stabilized or improved, and economic well-being of the community protected and fostered.

Section 521: Historic Design Review District Boundaries (Identification of District)

The Historic Design Review District Boundaries are illustrated on the zoning map.

The district boundaries are as follows: The district includes those Structures and properties with frontage on North, South, East and West Main Street, intersecting in the town center up to the following perimeter boundaries:

East – West Perimeter:

East Main Street (24 East Main – north side, 21 East Main – south side)

Across the intersection of Main Streets, continuing up to and including

West Main Street (37 West Main – north side, 36 West Main – south side)

North – South Perimeter

South Main Street (19 South Main – west side, Buzzy Town Park – east side)

Across the intersection of Main Streets, continuing up to and including

North Main Street (17 North Main – east side, 18 North Main – west side)

2 Lisle Hill Rd, which once fronted on North Main Street, is also included in the Historic Design Review District.

Section 522: Goals of the Historic Design Review District

The Site Plan and Design Goals of the Wilmington Historic Design Review District are as follows:

- A. To preserve the historic and cultural heritage of the historic downtown.
- B. To support maintenance, change and preservation of buildings and property in accordance with the design guidelines of this zoning ordinance and consistent with recognized and accepted standards for historic preservation projects.
- C. To promote the Use of buildings and property in a manner that benefits the community and individual property owners, while preserving those features that have architectural or historic merit.
- D. To attract visitors and encourage tourism by enhancing the visual character as a New England village.
- E. To encourage maintenance and preservation of buildings and property and changes to support a visually attractive village for the pleasure of residents and visitors
- F. To encourage and support economic growth and prosperity within the community while maintaining the New England character.

- G. To encourage public and private investments that may result in a positive contribution to visual harmony and economic vitality, and protect these assets for future generations.

The goals of this District shall be considered by the Development Review Board when considering proposed land development for this District.

Section 530: Development Review Board Site Plan and Design Review Required on Design Review District Development

As required by §4414(1)(E), no Structure in any Design Review District (Historic or Village), “may be erected, renovated, substantially altered, restored, moved, demolished, or changed in Use or type of occupancy without a written decision and approval of the plans by the appropriate municipal panel.” (The Development Review Board).

With the exception of those situations defined in Section 531, all development in a Design Review District must receive a written decision and approval from the Development Review Board and a Permit from the Zoning Administrator, including but is not limited to:

For the Historic Design Review District and the Village Design Review District:

- A. Construction of a building.
- B. Alteration of, tearing down, or removing any portion of an exterior wall or roof.
- C. Filling in, sealing, boarding up, closing or enclosing any portion of an existing window, door, space, porch, or breezeway.
- D. Changes to the materials of the exterior of a building that are of a kind or type different from the existing.
- E. Significant changes to site features including, but not limited to screenings, driveways, parking areas, signs, service areas, and Structures. Changes to conditions of previously approved DRB plan.

For the Historic Design Review District (Not applicable to the Village Design Review District)

- F. Addition to or alteration of the exterior of a building which increases or decreases the square footage of the building, whether enclosed or not.
- G. Alteration of the roof line to a building including, but not limited to, alteration of a gable roof to a flat roof, but specifically excluding any alterations to chimneys.

Refer to Article II Section 223 – 227 for submission requirements and written decision and approval processes of the Development Review Board.

Section 531: Exceptions to Zoning Permit or Development Review Board Site Plan and Design Review Requirements

- A. Zoning Permit from Zoning Administrator Not Required; No Development Review Board Written Decision and Approval Required.

As provided in 24 VSA § 4414(1)(E) within a designated design review district, no Structure may be erected, reconstructed, altered, restored, moved, demolished or changed in Use or type

of occupancy without a written decision and approval of the plans by the Development Review Board and Permitting by the Zoning Administrator as defined in Article II, except as defined below.

The following are not considered to be a form of reconstruction, alteration, or restoration and are consistent with the goals of this district. As such they do not require prior written decision and approval of the Development Review Board or Permitting from the Zoning Administrator.

1. Temporary outdoor display of products or ads that represent products. (Outdoor displays are treated as a temporary sign and must, as applicable, meet Sign Standards as defined in Section 870.)
2. Resurfacing of driveways & walkways when fully on the property owner's Lot.
3. Window or door repair or installation (including screen and storm windows/doors) matching the historical style and design of the original Structure.
4. Landscaping installation/change or maintenance of any kind that protects and enhances the natural features and character of the neighborhood and community including removal and replacement of dead or dying plants, trees, shrubs, flowers or other live natural features.
5. Minor repairs and maintenance that follow the guidelines of Appendix I Site Plan and Design Guidelines do not require a zoning Permit or written decision and approval of the Development Review Board. **All changes of any nature that do not follow these guidelines are subject to review by the Development Review Board and, if approved, permitting by the Zoning Administrator.**

B. Zoning Permit from Zoning Administrator Required; No Development Review Board Written Decision and Approval Required.

In the following cases the Zoning Administrator will make an administrative decision as to whether the requested development is allowed and a Permit will be approved without Development Review Board review, so as to have a quicker decision.

1. Roof repair using the same roof material as was most recently on the Structure and with no change to the roof Structure, or replacing current roof materials with a slate colored metal roof consistent with the Site Plan and Design Guidelines.
2. Replacing vinyl siding with wood or wood look-alike synthetic clapboards consistent with the Site Plan and Design Guidelines.
3. Handicap ramps anywhere on the building.
4. Non-substantial additions to a building meeting the design guidelines of this ordinance.
5. Healthy shrubs, hedges, or trees plainly visible from a public area or way may be removed with approval of the Zoning Administrator for health & safety or replacement with other landscaping or features such as a fence or stone wall.
6. Minor changes to plans previously approved by the Development Review Board that do not modify the conditions of the Development Review Board decision or the testimony on which the decision was based. If the Zoning Administrator believes a requested change meets the criteria the Zoning Administrator will issue a minor change Permit on a plan previously approved by the DRB. If the proposed change alters anything related to the conditions of the decision or the testimony of facts on which the decision was based, the Zoning Administrator will re-submit the Permit request to the Development Review Board for a decision.

7. Businesses may erect temporary fencing or other means of delineating outdoor areas for the sole purpose of extending dining for a period of no more than 120 days from the date of approval by the Zoning Administrator.¹

All other repairs and replacements not meeting these criteria must be reviewed by the Development Review Board.

Section 540: Site Plan and Design Review Standards

- A. All development and land improvements within a Design Review District are subject to the Standards as defined in Article VII as well as any applicable standards as set forth in Article VI Flood Hazard Area, Article VIII Signs, and Article IX Telecommunications.
- B. All development and land improvement with the Village Design Review District shall preserve the character of the village and conform to the Goals of this District as defined in Section 513.
- C. All development and land improvements within the Historic Design Review District shall conform to the Site Plan and Design Guidelines of Appendix I to the extent reasonable and possible to satisfy the intent of this ordinance and preserve, rehabilitate or restore the historic Structures of the town as defined in Sections 730, 731, and 732 of this ordinance.

¹ Interim bylaw, T24 VSA 4415, Selectboard approved June 5, 2020, duration 2-years